



THE CITY OF NEW YORK
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May 4, 2020

By ECF and FAX

The Honorable Laura Taylor Swain
United States District Judge
United States District Court, Southern District of New York
500 Pearl Street
New York, New York 10007

MEMO ENDORSED

Re: Noel, et al. v. City of New York, 1:15-CV-05236 (LTS)(KHP)

Your Honor:

I am an Assistant Corporation Counsel in the office of James E. Johnson, Corporation Counsel of the City of New York, attorney for defendant the City of New York in the above-referenced matter. I hope that this letter finds you and your loved ones healthy and safe.

I am writing to request an extension of the briefing schedule for the parties' summary judgment motions. Unfortunately, the City has fallen significantly behind in its briefing. On a personal note, my husband was rather sick with COVID-19 and I believe one of my children and I also had mild cases of the virus. The virus took a significant and direct toll on my life for about five weeks in March and April. The pandemic has also indirectly impacted our entire team, as we are all balancing family responsibilities with working from home, and have found our productivity to be reduced even after the initial adjustment. For instance, I have two children that require help with school work, among other things, which makes it extremely difficult to work without interruptions. Further, due to citywide budget cuts as a result of the pandemic, we are no longer able to employ our long term contract attorney, who had worked full time on the case for almost three years. Thus, in addition to our reduced productivity, we have one less attorney working on the case. This is a tremendous unexpected loss to our team at a very difficult time.

Finally, and most significantly, our client, the City of New York, is tirelessly responding to the pandemic and the tremendous impact it is having on every part of the City. While it should go without saying, our contacts at City Hall and HPD have been almost exclusively focused on helping New Yorkers and New York City get through this unprecedented

and troubling time. In addition to our continued need to work closely with our client contacts, as we have throughout this litigation, we planned on at least two declarations from City employees in support of our papers, with at least one from a key individual in the administration. We have been advised to request a three month extension, with the expectation that during that time period, the rapid pace of the current pandemic response will start to slow down, thereby allowing the opportunity for our client to again focus on this litigation.

This is the first request for an extension of the City's time to oppose and cross-move for summary judgment. Unfortunately, Plaintiffs do not consent to this extension. They did, however, consent to a one month extension. When I inquired into whether there was a reason they would not agree to the requested extension, they reiterated their concern with the alleged ongoing violation caused by the CP policy. However, Plaintiffs have never sought a preliminary injunction, Plaintiffs sought and received, with the City's consent, multiple extensions to file their motion for summary judgment, and Plaintiffs sought and received, with the City's consent, a two-month discovery extension due to a personal matter, among many other extensions that have contributed to this case being ongoing for almost five years. Given the pandemic, and the extensive impact it has had on the attorney team and our client, all which was explained to Plaintiffs, it is highly disappointing that Plaintiffs intend to oppose our request as "excessive."

The City respectfully requests the following revised briefing schedule be approved by the Court. Other than the initial extension for the City's opposition and cross-motion, the number of weeks allocated for each responsive brief is unchanged from our last briefing schedule.

City's opposition and cross motion: from May 22 to Aug 14, 2020

Plaintiffs' reply papers: from July 17 to October 9, 2020

City's reply: from August 21 to November 17, 2020 (This is two days more than 5 weeks due to two holidays in early November.)

Ps sur reply: from September 4 to December 3, 2020 (This is two days more than 2 weeks due to Thanksgiving.)

Thank you for your consideration of this matter.

Respectfully submitted,

/s/

Melanie V. Sadok
Assistant Corporation Counsel

cc: **Bv ECF**
Attorneys for Plaintiffs

The Court has reviewed Defendant's foregoing extension request and Plaintiffs' opposition thereto. Defendant's request is granted and the motion shall be briefed in accordance with the schedule set forth above. DE# 888 resolved.

SO ORDERED.

/s/ Laura Taylor Swain, USDJ 5/5/2020